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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

KRISS et al,

X  
Plaintiffs,

-against-

BAYROCK GROUP et al,

10 CIV 3959

**ORDER IN RE FILING A FIRST  
AMENDED AND  
SUPPLEMENTAL COMPLAINT**

**FRCP 15**

Defendants

X

**ORDER**

*It is ordered*, that should any or all Plaintiffs file a first amended and supplemental complaint on or before December 14, 2012, such filing:

- (1) Shall not be deemed made pursuant to FRCP 15(a)(1), Plaintiffs retaining the right to file a subsequent, second amended complaint pursuant thereto as a matter of course as if such were a first amended complaint; and
- (2) Shall not be counted for any further purposes of FRCP 15(a)(2), thus any subsequent application by Plaintiffs for permission to file a third, fourth, etc. amended complaint shall be decided as if the first amended complaint were actually the complaint originally filed and the second amended complaint were actually the first amended complaint filed as a matter of course, and so on; and
- (3) Shall not preclude Plaintiffs from requesting permission to file subsequent supplemental complaint(s).

By:

Paul A. Engelmayer  
Paul Engelmayer  
United States District Judge 9/5/12

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